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JAMES BYRNE
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE MEDIATION
AND SETTLEMENT OF CASES.

GENERAL ORDER REGARDING ON-GOING MEDIATION PROGRAM

The United States District Judges for the Southern District of Ohio, Western Division at Cincinnati, hereby adopt the following general provisions regarding mediation conferences in civil cases on an on-going, year round basis.

I. ON-GOING MEDIATION PROGRAM

With the exception of pro se, § 1983 prisoner, social security, bankruptcy, and forfeiture cases, any civil action pending before any judge of this Court may be selected, at anytime, for mediation in the discretion of the district judge or magistrate judge to whom this action is assigned, or by request of the parties and with the judge's consent.

II. MEDIATION COORDINATOR

United States Magistrate Judge Timothy S. Hogan will act as mediation coordinator. The district judges will select, and the coordinator will work with, a panel of experienced litigators who have volunteered to act as mediators. The mediators shall represent a cross-section of attorneys who regularly litigate in this Court.

III. PROCEDURE

To maximize the likelihood of meaningful settlement negotiations at the mediation conference,

1. Both the trial attorney for each party, and the principal, must attend the conference;
2. No later than two (2) weeks prior to the conference, counsel for plaintiff(s) must submit to counsel for defendant(s), and to the mediator, a fully documented, written settlement demand(s);
3. No later than one (1) week prior to the conference, counsel for defendant(s) must provide to counsel for plaintiff(s), and to the mediator, a fully documented, written response to the settlement demand(s); and
4. A party may be excused from compliance with provisions two and three above only upon motion to the district judge or magistrate judge assigned to the case, and for good cause shown. The unexcused failure to comply fully with this Order shall result in the imposition of sanctions.

IV. CONTINUANCE OR CANCELLATION OF MEDIATION

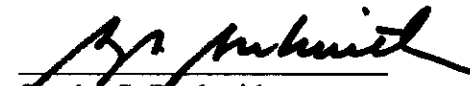
A request for continuance or cancellation of a mediation conference must be made promptly and by written motion. The memorandum supporting the motion shall state that the moving party's counsel has conferred with counsel for all parties prior to filing the motion. The memorandum shall also explain the reason(s) for the request. The motion shall be served on the moving counsel's client, all other counsel, and the district judge or magistrate judge assigned to the case.

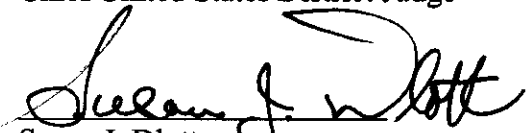
If the request for a continuance or cancellation is based upon the need for additional discovery, the memorandum must set out in detail (1) the discovery completed; (2) the discovery needed to formulate a reasonably informed settlement evaluation; and (3) the dates by which that conference can be completed and the parties prepared for the mediation conference.

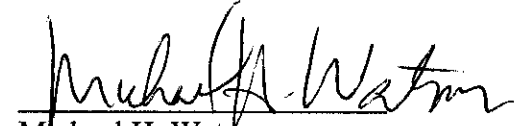
If the request for a continuance or cancellation is based on the grounds that the parties are too far apart to justify the expense of participating in settlement, the memorandum shall state each party's settlement position, and the factual and legal basis for the movant's settlement position, which may be filed manually under seal.

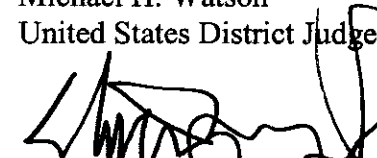
IT IS SO ORDERED

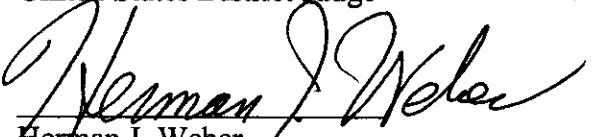
Date: March 16th, 2005


Sandra S. Beckwith
Chief United States District Judge


Susan J. Dlott
United States District Judge


Michael H. Watson
United States District Judge


S. Arthur Spiegel
United States District Judge


Herman J. Weber
United States District Judge